

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Western District of New York

Case number (if known): _____ Chapter _____

FILED

2020 APR 20 AM 9:19

U.S. BANKRUPTCY COURT
W.D.N.Y. - BUFFALO

☐ (Check if this is an amended filing)

Official Form 105

Involuntary Petition Against an Individual

12/15

Use this form to begin a bankruptcy case against an individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against a non-individual, use the *Involuntary Petition Against a Non-individual* (Official Form 205). Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

1. Chapter of the Bankruptcy Code

Check one:

☒ Chapter 7

☐ Chapter 11

Part 2: Identify the Debtor

2. Debtor's full name

First name

John Hutchins

Middle name

L.

Last name

Hutchins

Suffix (Sr., Jr., II, III)

Hutchins -

3. Other names you know the debtor has used in the last 8 years

Include any assumed, married, maiden, or trade names, or doing business as names.

The Woods at Bear Creek, LLC

Rapids Theater Niagara Falls Inc

DBA - John L. Hutchins -

4. Only the last 4 digits of debtor's Social Security Number or federal Individual Taxpayer Identification Number (ITIN)

☒ Unknown

XXX - XX - _____

OR 9 XX - XX - _____

5. Any Employer Identification Numbers (EINs) used in the last 8 years

☐ Unknown

EIN

EIN

45-3545971

6. Debtor's address

Principal residence

Mailing address, if different from residence

606 Mountain View Dr.

Number Street

Number Street

Lewiston, NY 14092

City

State

ZIP Code

City

State

ZIP Code

Niagara

County

Principal place of business

1711 Main Street

Number Street

Niagara Falls, NY 14305

City

State

ZIP Code

Niagara

County

7. Type of business

☐ Debtor does not operate a business

Check one if the debtor operates a business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ None of the above

3) Lodging - Woods at Bear Creek, LLC

2) → Tavern/Bar - Rapids Theatre =

8. Type of debt

Each petitioner believes:

- ☐ Debts are primarily consumer debts. Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☒ Debts are primarily business debts. Business debts are debts that were incurred to obtain money for a business or investment or through the operation of the business or investment.

9. Do you know of any bankruptcy cases pending by or against any partner, spouse, or affiliate of this debtor?

☐ No

☒ Yes. Debtor

The Woods at Bear Creek, LLC

Relationship Owner/President

NY

District

Western

Date filed

12/5/2019

Case number, if known

1:19-bk-12517

MM / DD / YYYY

Debtor

Relationship

District

Date filed

Case number, if known

MM / DD / YYYY

Part 3: Report About the Case**10. Venue**

Reason for filing in this court.

Absolute Jurisdiction

Check one:

☒ Over the last 180 days before the filing of this bankruptcy, the debtor has resided, had the principal place of business, or had principal assets in this district longer than in any other district.☒ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.☐ Other reason. Explain. (See 28 U.S.C. § 1408.) *multiple Assets in District***11. Allegations**

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).

The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked:

☐ The debtor is generally not paying such debtor's debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.☒ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.**12. Has there been a transfer of any claim against the debtor by or to any petitioner?**☐ No☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).**13. Each petitioner's claim**

Name of petitioner

Nature of petitioner's claim

Amount of the claim above the value of any lien

*Glenn R. Hude**Judgment**\$ 109,545.**= 67 \$ 109,545.00*

\$

Total

\$ 109,545.00

If more than 3 petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's (or representative's) signature under the statement, along with the signature of the petitioner's attorney, and the information on the petitioning creditor, the petitioner's claim, the petitioner's representative, and the attorney following the format on this form.

Debtor _____

Case number (if known) _____

Part 4: Request for Relief

Petitioners request that an order for relief be entered against the debtor under the chapter specified in Part 1 of this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioners declare under penalty of perjury that the information provided in this petition is true and correct. Petitioners understand that if they make a false statement, they could be fined up to \$250,000 or imprisoned for up to 5 years, or both.

18 U.S.C. §§ 152 and 3571. If relief is not ordered, the court may award attorneys' fees, costs, damages, and punitive damages. 11 U.S.C. § 303(i).

Petitioners or Petitioners' Representative

x

Signature of petitioner or representative, including representative's title

Printed name of petitioner

Date signed

MM / DD / YYYY

Mailing address of petitioner

Number Street

City

State

ZIP Code

If petitioner is an individual and is not represented by an attorney:

Contact phone

Email

Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

ZIP Code

Attorneys

x

Signature of attorney

Printed name

Firm name, if any

Number Street

City

State

ZIP Code

Date signed

MM / DD / YYYY

Contact phone

Email

TRANSCRIPT OF JUDGMENT

DEBTORS

HUTCHINS, JOHN
606 MOUNTAIN VIEW
LEWISTON, NY 14092

FINGER LAKES MOBILE HOME PARK LLC
7510 PORTER ROAD
NIAGARA FALLS, NY 14304

CREDITORS

HOULE, GLENN R
166 PARK STREET
CANANDAIGUA, NY 14424

DAMAGES: \$51,942.18
INTEREST: \$47,465.19
COSTS:
ATTY FEE / PEN:
AMOUNT OF JUDGMENT: \$99,407.37

ATTORNEY FOR CREDITOR

JUDGMENT RENDERED
COURT: SUPREME
DATE: 12/12/2018

DATE / TIME DOCKETED
12/13/2018 04:02 PM
COUNTY: ONTARIO

REMARKS:

CIVIL INDEX #: ID ONT 102768

PAID

JAN 09 2019

JOSEPH A. JASTRZEMSKI
NIAGARA COUNTY CLERK

ORIGINAL FILED

JAN 09 2019

JOSEPH A. JASTRZEMSKI
NIAGARA COUNTY CLERK



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2019J00368

01/09/2019 04:17:12 P

1 Pages

TRANSCRIPT OF JDM

Joseph A. Jastrzemski, Niagara County Clerk

Clerk:CI

STATE OF NEW YORK ONTARIO COUNTY CLERK'S OFFICE SS:

I, Matthew J. Hoose, Clerk of the county of Ontario, hereby certify that the above is a correct transcript from the Docket of Judgments in my office.

In witness whereof, I have hereunto set my name and affixed my official seal at Canandaigua, New York.

This 2nd day of January, 2019

Matthew J. Hoose
County Clerk

by Pamela Keefe
Acting Deputy County Clerk